

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**



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In the Matter of the Proposed Closing  
of Rollingsstone Community School

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**ORDER**  
**A18-0799**

Considered and decided by Cleary, Chief Judge; Rodenberg, Judge; and Reyes, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

Relator Save Our Schools Committee (SOS) moves for a stay pending this appeal from a decision by respondent Independent School District 861 (the district) to close two elementary schools.

A party seeking to stay a decision pending appeal must first request the stay from the decision-maker. Minn. R. Civ. App. P. 108.02, subd. 2; *see also* Minn. R. Civ. App. P. 115.03 (incorporating procedure of rule 108 in certiorari appeals). When considering a motion to stay, relevant factors may include “whether the appeal raises substantial issues; injury to one or more parties absent a stay; and the public interest, which includes the effective administration of justice.” *Webster v. Hennepin County*, 891 N.W.2d 290, 293 (Minn. 2017). The decision-maker must “identify the relevant factors, weight each factor,

and then balance them, applying [its] sound discretion.” *Id.* at 293. If the decision-maker denies the request for a stay, the party may seek review from this court. Minn. R. Civ. App. P. 108.02, subd. 6. This court reviews the denial of a stay request for an abuse of discretion. *DRJ, Inc. v. City of St. Paul*, 741 N.W.2d 141, 143 (Minn. App. 2007).

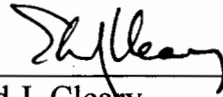
In this matter, SOS asked the district to stay its decision to close the two schools. On June 7, 2018, the school board adopted a resolution denying that request, identifying various financial costs and disruptions to school programming that would result from such a stay. SOS does not challenge the board’s analysis of the burdens associated with staying the school-closure decision. Instead, SOS seeks from this court a stay of any sale of the school buildings. SOS did not seek this relief from the district, and cannot be heard on the request in the first instance by this court. *See* Minn. R. Civ. App. P. 108.02.

Moreover, SOS cites no authority supporting its assertion that this court may stay any decisions by the district to sell the school buildings. The district has sought bids for the school buildings, but states that it has “not yet adopted a resolution to sell the buildings in question or entered into a purchase agreement with a prospective buyer.” Any decision to sell the buildings will be separate from the school-closing decisions that are the subject of this certiorari appeal. Although a stay of the school-closing decisions—which SOS no longer seeks—would necessarily preclude such sale of the school buildings, SOS provides no authority for this court to directly stay any such sales. And, even assuming such authority, the requested relief would be premature at this time.

**IT IS HEREBY ORDERED:** The motion for stay is denied.

**Dated:** July 3, 2018

**BY THE COURT**

A handwritten signature in black ink, appearing to read 'E. Cleary', is written over a horizontal line.

Edward J. Cleary  
Chief Judge